

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

RONALD BRATTON,

Plaintiff,

vs.

BEN CURRY, E. KLIEN, A. JANNAH,
 B. HENDRICK, M. RAGHUNATH, L.
 MACKEY, J. CHURDY, J. ABOYTES,

Defendants.

No. C 07-2928 JSW (PR)

**ORDER DENYING
 MOTIONS TO ALTER OR
 AMEND JUDGMENT**

(Docket Nos. 119 & 120)

This is a civil rights case filed by a pro se prisoner pursuant to 42 U.S.C. § 1983. Defendants' motion for summary judgment was granted and Plaintiff filed a notice of appeal. Plaintiff also filed two motions to alter or amend the judgment under Rule 59(e) of the Federal Rules of Civil Procedure. In his motions, Plaintiff argues that the exhaustion requirement "arguably" does not apply where prison officials failed to process an administrative appeal. His summary motion does not explain this argument in any way or identify what claim or claims it applies to. In any event, summary judgment was not granted on exhaustion grounds, but rather on the absence of a material factual issue as to whether or not his constitutional rights were violated. Indeed, the Court expressly stated that in light of that conclusion, the

1 exhaustion issue need not be reached. Accordingly, the motions do not raise any
2 grounds for altering or amending the judgment, and are DENIED (docket numbers
3 119 and 120).

4 IT IS SO ORDERED.

5
6 DATED: January 10, 2013



JEFFREY S. WHITE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

RONALD BRATTON,
Plaintiff,

Case Number: CV07-02928 JSW

CERTIFICATE OF SERVICE

v.

BEN CURRY et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 10, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Ronald Bratton
P.O. Box 8101
J45341
San Luis Obispo, CA 93409-8101

Dated: January 10, 2013



Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk